

NSA

REPORT FOR CONGRESS
ON THE
NSA PERSONNEL SYSTEM

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HOW NSA PERSONNEL SYSTEM
DIFFERS FROM
THE COMPETITIVE SERVICE

HOW NSA PERSONNEL SYSTEM DIFFERS FROM COMPETITIVE SERVICE

COMPETITIVE SERVICE	NSA	REMARKS
Veterans' Preference (FPM-211)	Same	Because of exemption in P.L. 86-36 (National Security Act of 1959, 50 U.S.C., 5402, note) appointments are not from competitive roster; once hired, Veterans' Preference applies.
Competitive Service/Status (FPM-212)	Different	NSA/CSS appointment does not confer competitive status.
Excepted Service (FPM-213)	Different	NSA is excepted service by statute.
Processing Personnel Information (FPM-274, 291, 292, 293, 294, 295, 296, 297)	Different	Public Law 86-36, Section 6., provides for the protection of information pertaining to NSA to include names, titles, salaries, or numbers of persons employed by the Agency. NSA cannot input into OPM data base. Where necessary, reports are either statistical or incorporated with other agencies of DoD.
Appointments (FPM-300)	*Different	P.L. 86-36 provides separate appointing authority to NSA. P.L. 88-290 with 5 U.S.C. 5102 exempt NSA from the Classification Act of 1949. All appointments are subject to the mandatory security standard established by P.L. 88-290.
Overseas Employment (FPM-301)	*Different	P.L. 86-36 provides separate appointing authority to NSA. P.L. 88-290 with 5 U.S.C. 5102 exempt NSA from the Classification Act of 1949. All appointments are subject to the mandatory security standard established by P.L. 88-290.

*Although basic statutory authority for these actions is different, NSA has administratively adopted procedures similar to those applicable to the remainder of the civil service consistent with unique NSA requirements.

Employment of Experts and Consultants (FPM-304)	*Different	All expert and consultant appointments are to the excepted service pursuant to the authority of P.L. 86-36.
Veteran Readjustment Appointments (FPM-307)	N/A	
Youth & Student Employment Program (FPM-308)	*Different	P.L. 86-36 provides appointment authority to NSA. NSA has established its own Youth Opportunity, Work Study, COOP, etc. programs.
Employment of Relatives (FPM-310)	Same	
Temporary Assignment under Intergovernmental Personnel Act (FPM-334)	Same	
Promotion and Internal Placement (FPM-335)	Different	NSA administers its own promotion system under the authority of P.L. 86-36. While it differs from the competitive service, it is competitive and based on merit principles. Internal placement may be done on a competitive basis and is also based on merit.
Examining System/Qualification Requirements (FPM-337, 338, 339)	Different	Public Law 86-36 authorizes NSA to establish positions and "to appoint thereto, without regard to the Civil Service Laws....".
Other Than Full-Time Career Employment (FPM-340)	*Different	

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Reduction in Force (FPM-351)		Declassified and Approved For Release 2013/03/08 : CIA-RDP90-00530R000902150024-4 for "bump and retreat" provisions that apply to competitive service.
Restoration to Duty (FPM-353)	Same	
Career Intern Programs (FPM-361)	*Different	All appointments in NSA are pursuant to P.L. 86-36.
Training (FPM-410)	Different	The Director, NSA/CSS is provided special training authority pursuant to P.L. 86-36. Other training is the same.
Performance Management	Different	5 U.S.C., 4301 exempts NSA from the performance appraisal requirements applicable to the competitive service. The Director, NSA/CSS has established a performance appraisal system at NSA.
Incentive Awards (FPM-451)	Same	
Classification Under General Schedule (FPM-511)	*Different	5 U.S.C., 5102, and P.L. 86-36 exempt NSA from the Classification Act of 1949.
Job Evaluation Wage (FPM-512)	*Different	
Pay Rates & System (FPM-530)	*Different	P.L. 86-36 authorizes NSA to fix pay in relation to the General Schedule.
Pay Under the General Schedule (FPM-531)	*Different	P.L. 86-36 authorizes NSA to fix pay in relation to the General Schedule.

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Pay Under Prevailing Rate Systems (FPM-532)	Declassified and Approved For Release 2013/03/08 : CIA-RDP90-00530R000902150024-4	
Pay Under Other Systems (FPM-534)	N/A	
Grade and Pay Retention (FPM-536)	*Different	
Performance Management & Recognition System (FPM-540)	N/A	5 U.S.C. 5401 exempts NSA from the merit pay provisions of this system.
Pay Admin (FPM-550)	*Different	
Allowances and Differentials Payable in Nonforeign Areas (FPM-591)	Same	
Hours of Duty (FPM-610)	Same	
Alternative Work Schedules (FPM-620)	Same	
Absence & Leave (FPM-630)	Same	P.L. 86-36 Subsection 9(b)(1)(B) authorizes the establishment of a special class of NSA employees located overseas and provides for comparability in certain areas with CIA, DIA, and State Department.

*Although basic statutory authority for these actions is different, NSA has administratively adopted procedures similar to those applicable to the remainder of the civil service consistent with unique NSA requirements.

Labor-Management Relations (FPM-711)		Declassified and Approved For Release 2013/03/08 : CIA-RDP90-00530R000902150024-4 S. Code excludes NSA from coverage.
Personnel Security Programs (FPM-732)	Different	P.L. 88-290 establishes a security standard for initial and continued NSA employment as well as for other civil service employees assigned or detailed to NSA.
Adverse Actions (FPM-752)	Different	NSA's adverse action authority is inherent in the appointment authority of P.L. 86-36. NSA has administratively adopted procedures and rights consistent with those of subchapters I, II and V of Chapter 75, Title 5. In addition, preference eligibles may appeal to the Merit Systems Protection Board (MSPB) under 5 U.S.C. 7513. In actions taken under 5 U.S.C. 7532, there is no appeal to MSPB. See narrative for "Terminations" pursuant to Section 303a, P.L. 88-290.
Federal Employees' Health and Counseling Program (FPM-792)	Different	Basic authority of 5 U.S.C. 5901 is the same. However, alcohol and drug abuse programs are different pursuant to NSA security requirements as recognized by P.L. 91-616 and P.L. 92-255.
Injury Compensation (FPM-810)	Same	
Retirement (FPM-831)	Same	
Social Security, et al (FPM-832)	Same	
FERS Retirement (FPM-841)	Same	P.L. 86-36 Subsection 9(b)(1)(B) authorizes the establishment of a special class of NSA employees located overseas and provides for comparability in certain areas with CIA, DIA, and State Department. Special 1.7% calculation for certain personnel for service abroad pursuant to P.L. 99-335.

Declassified and Approved For Release 2013/03/08 : CIA-RDP90-00530R000902150024-4		
Unemployment Benefits (FPM-850)		
Life Insurance (FPM-870)	Same	
Federal Employees' Health Benefits (FPM-890)	Same	
Senior Executive Service (FPM-920)	*Different	P.L. 86-36, as amended by P.L. 97-89, provided authority to establish a Senior Cryptologic Executive Service, comparable to SES under CSRA 1978. Also see 752 above. Removal from SCES is pursuant to Section 12a(1)(E), P.L. 86-36.
Prohibited Personnel Practices	*Different	Section 2302(a)(2)(C)(ii), Title 5 U.S. Code, exempts NSA from 5 U.S.C. 2302.

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HOW NSA PERSONNEL SYSTEM

ENSURES COMPLIANCE WITH

MERIT SYSTEM PRINCIPLES

HOW NSA PERSONNEL SYSTEM ENSURES COMPLIANCE WITH MERIT SYSTEM PRINCIPLES

NSA is covered by the merit system principles in Title I of the Civil Service Reform Act of 1978 to the extent that these principles are consistent with the statutory requirements of Public Law 88-290 and 86-36.

NSA has adopted a grievance system which provides for review of unresolved complaints through channels to the Director, NSA. Also, preference eligibles may appeal some actions to the MSPB.

The Inspector General provides an open door policy should there be any complaints of arbitrary action, coercion, reprisal or other unfair personnel practices. In addition to internal protection, "whistleblower" protection is provided externally by the DoD Inspector General through a "Hot Line," the Special Counsel, and the Intelligence Oversight Committees, pursuant to 5 U.S.C. 1206.

Additionally, individuals are free to seek counsel and assistance from the Special Assistant to the Director, NSA for Equal Employment Opportunity, who has staff specialists, including a Black Affairs Program Manager, a Federal Women's Program Coordinator, an Hispanic Program Coordinator, and a Handicapped Program Coordinator, as well as specialists trained in EEO counseling and complaint processing.

Specific merit factors have been implemented in NSA/CSS personnel regulations in the following subject areas:

- Recruitment includes minority university and colleges representing all segments of society;

- Selection and advancement are determined on the basis of relative ability, knowledge, and skills;

- The office for Career Development has been upgraded and placed directly subordinate to the Deputy Director for Administration. Career development programs cover all aspects of the work force and include: new legislation authorizing scholarships for high quality high school graduates; numerous grow-your-own programs providing training for individuals with high potential for entry into critical cryptologic occupations; intern programs geared to professional level competence in a cryptologic occupation at graduation; and Co-op programs covering hi-tech SIGINT application to critical shortage technical and scientific occupations.

-The Assistant Director for Training heads the nation's only comprehensive training facility in cryptologic and SIGINT skills. This training meets the requirements of law to enhance employees' knowledge and skills, and to ensure the efficient, effective use of the work force to meet mission requirements.

-Separation of permanent employees for unacceptable performance is initiated by operating officials, reviewed by the Deputy Director for Administration and effected by the Director of Civilian Personnel. An unacceptable performance appraisal may be appealed to the Director, NSA. Due process protection is provided to all permanent employees.

-The NSA occupational standards and job classification systems are built on the equal pay for substantially equal work principle, and NSA pay-setting authority is exercised mostly through adoption of OPM rules.

UNIQUE COMPENSATION

FEATURES - NSA

UNIQUE COMPENSATION FEATURES - NSA

- Leave - NSA has no unique leave provisions, except for special class employees who are given home leave benefits that compare to benefits received by CIA employees (P.L. 86-36, Subsection 9(b)(1)(B)).
- Pay - P.L. 86-36 authorizes NSA to set pay in relation to the General Schedule. (NSA has adopted the General Schedule and has established special salary scales and higher minimum hiring rates to meet critical skill shortages and to provide pay equity with CIA, DIA, and State Department employees serving in similar circumstances.)
- Bonus - P.L. 97-89 authorizes NSA to pay bonuses for operationally required languages and to encourage people to join the Cryptologic Linguist Reserve Program.
- Awards - NSA has no unique award provisions, but has established honorary awards unique to the cryptologic mission.
- Death - 10 U.S.C. 1489 provides SECDEF with authority to
Gratuity pay a death gratuity to certain NSA employees.

NSA SUMMARY
TERMINATION AUTHORITY

NSA SUMMARY TERMINATION AUTHORITY

50 U.S.C. 833 authorizes the Secretary of Defense to summarily terminate the employment of NSA employees when such action is deemed necessary in the interest of the United States. Summary termination procedures may be used only when "procedures prescribed in other provisions of law that authorize the termination of the employment of that...employee cannot be invoked consistently with the national security" (50 U.S.C., 833). NSA to date has been able to use other authorities for termination that provide greater procedural protections to employees.

While NSA has been prepared to invoke Public Law 88-290 on only rare occasions, it has not done so because the employee resigned or retired pending notice of adverse action.

RECRUITMENT/RETENTION

PROBLEMS - NSA

RECRUITMENT/RETENTION PROBLEMS

NSA has been in an extended growth period over the last several years in terms of the size of our work force. The end result of that growth has been an increase in our capability to satisfy our mission of analysis and technical program development and operation. Most of the growth has been in the hard-to-recruit, hard-to-retain technical skills, like engineering, computer science, and mathematics, with a large group of linguists included as well.

We have enjoyed a very successful recruitment program that has resulted in the Agency achieving its hiring goals for several years. Our recruitment effort has been complemented by an exceedingly low overall attrition rate -- about five percent over the same time period. In addition to the hard-to-recruit, hard-to-retain technical skills mentioned above, we have a retention problem in the clerical/secretarial skill area. People in this skill area tend to migrate from secretarial positions to other skill areas within the Agency. Efforts to stop this "migration," however, have resulted in resignations.

While we have been quite successful in our recruiting over the past several years, there are still some situations that put us at a disadvantage in recruiting the top quality individuals. These include:

- Salaries: Most private firms can still out-bid us for the top 10% of graduates. Minimal or nonexistent federal pay increases also work to our detriment.

- Benefits: Most private companies pay the full costs of life and health insurance and other benefits.

- Location: The Baltimore/Washington area is considered one of the top high cost areas in the country. Many firms are now locating in much lower cost areas.

- Educational Benefits: A number of hi-tech firms offer much more comprehensive tuition support (100%) and salary programs.

- Travel Restrictions: Some linguists are opposed to the idea of travel restrictions because they are restricted from visiting the countries whose language they studied (especially Russian majors!).

- Advanced Job Knowledge: Some recruits are concerned that they cannot know exactly what the Agency does or what they will do in their job assignment prior to their job assignment.

-Esoteric Linguists: It is always a problem to find sufficient numbers of esoteric linguists who can meet our security requirements (or willing to accept our salary offers).